

NEW YORK, SUNDAY, FEBRUARY 13, 1921.

# Women as Jurors in Divorce and Murder Cases Bring Out Diverse Opinions on Advisability

Many of Sex Say They Should Serve No Matter How Unpleasant the Testimony nor How Gruelling the Ordeal of Deciding on Life or Death--Others, Both Men and Women, Believe Feminine Voters Should Be Spared Embarrassment and Pain by Exclusion in Certain Actions

AS a sex women are ready and willing to serve their country and their fellow citizens by taking their places in the jury box. British authors may rail at the indecency and unpleasantness to which they may be subjected in the trial of certain cases, but few women will flinch if civic duty calls.

One or two of those interviewed for the purpose of learning the consensus do cling to the old fashioned anti-suffragist notions about women holding themselves aloof from and closing their ears to the details of life's many tragedies as told on the witness stand. But their number is few.

The others, who are in the great majority, advance the opinion that a mixed gathering in a jury box would become a factor in the destruction of the double standard of morals.

Limit the jury women, for the present, to married women, suggests another. It would make it less embarrassing in the case of a divorce trial. Still another feminine voters pooh-poohs this suggestion and advocates calling only mature women to jury service.

Almost every woman questioned on the subject, which has aroused such feeling in England, where six women sat with six men in the jury box during the hearing of a divorce case where the counsel for one side declared he had had to suppress a part of the evidence because of the presence of the women, expressed herself as willing to serve whenever called upon. These women, representing the various political parties and club activities, point with pride to the State of New Jersey, which has already called its recently enfranchised for hearing of both civil and criminal actions.

Men whose opinions were asked, including Justices of the Supreme Court, magistrates and prominent lawyers, differed in their views as to the advisability of women serving on juries in criminal cases.

In a bigamy case tried recently in England the defendant objected to having four women on the jury and his objection was upheld. In replacing the women jurors by men the judge said the objection to women and his action in upholding it should not be taken as a slight to the sex.

MISS HELEN VARICK BOSWELL, associate chairman of the Republican County Committee, looks forward to the time when New York State women will be eligible for jury duty. "There is no reason why women should not assume this responsibility," she said, "but only women of mature age should serve. It would not be right to summon immature girls. Women could thus be used to great advantage in the operation of our laws. Women should be willing to serve the State in this way. First try them in the civil courts and then call them for service in the criminal courts."

"Women jurors have acquitted themselves with credit in New Jersey. The judge and the attendants and the counsel were full of praise for their first efforts in rendering a verdict."

"I don't see that a divorce trial should make any difference in the selection of a jury. It is just as fair to have a divorce case tried by six men and six women as by twelve men. As there must be a woman in every divorce case, why should not women sit in judgment? And if there is a co-respondent, this person may or may not be a woman, so why should not a representative of that person's sex be called upon to assist in determining the merits of the case?"

**Mrs. Shuler Sees No Reason To Draw Line on Divorce Cases**

Mrs. Frank E. Shuler of the National American Woman Suffrage Association said that one reason for having women on juries is the fact that women are constantly being thrown with men; they work with men in office buildings; they are associated with them at home, as fathers, brothers or husbands, and they meet them everywhere. "But I have an idea we will get to that gradually," she said. "It is always that way with any change. Women will begin by serving on juries composed entirely of their own sex and when they have acquired experience they will be asked to serve on mixed juries."

"For generations the world has believed in the double standard of morals and that men were ever so much worse than women. That is taken for granted. Yet there are almost as many decent minded men as women. A man must sow his wild oats.

A woman, not being permitted this liberty, gains a keener moral sense.

"Why a divorce trial should be any more shocking to a woman than to a man I cannot understand. There are murder trials where the evidence produced is equally unpleasant. Why draw the line at divorce?"

Miss Laura Skinner, member of the women's executive committee of the Republican State Committee, is not ready to see women occupying a place in the jury box. "I look upon women as competent to serve on juries of any kind," she declared, "but do they want to be called on to decide all sorts of cases? I deplore the fact that if they serve at all they must come in contact with crime and divorce. Men and women are equals mentally, but not physically."

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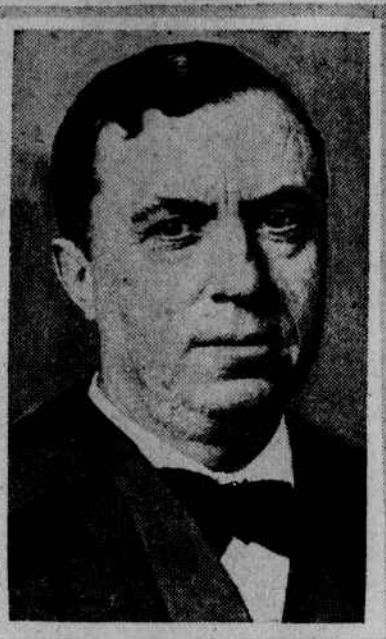
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Judge Florence E. Allen (at left below) says women should serve; Justice Cohalan favors some discrimination; Annette Abbot Adams, Assistant United States Attorney-General, would disregard sex question; George Gordon Battle (at extreme right), formerly in the District Attorney's office, would give Judges the power to exclude women.



## Woman Judge Approves Mixed Juries

I BELIEVE that in practically every kind of case tried to a jury, civil and criminal, women may serve together with men as jurors, to the furtherance of substantial justice.

One great hindrance to the proper conduct of the ordinary trial is the difficulty of securing intelligent jurors. Having women serve upon the jury more than doubles the number of intelligent citizens available for jury service. This is true because, with the exception of the women with young children, women of education and intelligence have more leisure, relatively, than men of equal education and intelligence. We therefore should use women for jury service unless some obvious disadvantage arises from their use.

In my experience, which has been confined wholly to criminal courts, no disadvantages have arisen from the use of women on mixed juries. I know of no instance in which the women have failed to co-operate with the men upon the juries. We do not, in Ohio, try divorce cases to a jury, but I have had women in cases involving robbery, burglary and murder. They are extremely attentive and follow the evidence with conscientious interest. The men jurors have commented favorably upon their work, and in general the women who have served upon my mixed juries have given excellent satisfaction.

FLORENCE E. ALLEN,  
Judge of Court of Common Pleas, Cleveland, Ohio.

"Not that the mixing should be compulsory," said Mrs. Adams. "It would be inadvisable to have any regulations at all as to how many men or how many women there shall be on any jury. That would emphasize again the thing that I have steadfastly opposed, privately and publicly—sex in citizenship. The number of men or women on any specific jury should be left to work itself out, subject to the usual weeding by challenges, peremptory or otherwise. There is no more necessity for stipulating the proportion of men and women than the proportion of professional men to day laborers, or native born to naturalized."

Nor does Mrs. Adams believe in special exemptions or privileges for women taxpayers. She successfully opposed the incorporation of any such in the amendment to the California Constitution which was necessary in order to make women eligible to jury duty. Nor would she grant the validity of any practical objections to mixed juries in cases which required locking up the jury over night.

"The way this is handled in California," she said, "is for the Sheriff to go out and get a suite of rooms at a hotel. Then he locks all doors communicating and otherwise and keeps the keys. And I never heard that it made any difference to the Sheriff whether he locked up men or women in the respective rooms. Besides, the cases that necessitate keeping juries locked up over night are comparatively few and far between."

"I not only believe in jury duty for women as a civic duty, only too sadly neglected by men," added Mrs. Adams, "but

## Men of Bench and Bar Give Their Views

JUSTICE DANIEL F. COHALAN of the Supreme Court of New York County took the position that the sense of chivalry which is shown toward women would prevent their being compelled to belong to juries before which salacious divorce cases are being discussed.

"Inasmuch," he continued, "as in New York State there is only one ground for divorce—that of infidelity—every divorce case must have what may be interpreted as an element of salaciousness. On that account a woman might well ask to be excused from serving on such a jury on the ground of sex."

There are cases, in the opinion of the Justice, however, in which women could serve as jurors with men without being placed in any embarrassment.

**Frederic R. Coudert Favors Juries to Include Women**

Frederic R. Coudert, a distinguished member of the Bar of this city, who has also had a wide experience abroad, said that women as they came into all the re-

sponsibilities of citizenship could hardly expect to escape jury duty. Whether or not they served with those of their own sex or with men jurors seemed to him immaterial. Their presence in divorce cases would be expected, in that often in such cases women appeared as parties to the action or as giving testimony.

"Domestic infidelity exists," he continued, "and it is bound to come to the notice of the tribunals. Why, then, should not women of proper age and high intelligence, who have so intimate a knowledge of those matters which affect the home, be called upon to pass upon such matters?"

"It is a false standard and one of prudery which we have inherited from another state of society which dictates any other course. The indecency lies rather in the attempted concealment, in the disguising of facts of elementary social life rather than in their frank discussion, especially when necessary to effect justice and to bring about a better state of affairs."

"The much studied ignoring of the so-